UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,254	05/24/2001	Hiroyasu Shino	1538.1014	9281

21171 7590 05/03/2006

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER	
RHODE JR, ROBERT E	

ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/863,254	SHINO ET AL.	
	Examiner	Art Unit	
	Rob Rhode	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 February 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 - 3, 5, 7 – 9, 11 – 14 and 16 - 18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 - 3, 5, 7 – 9, 11 – 14 and 16 - 18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2-16-06 has been entered.

Response to Amendment

Applicant amendment of 2-16-06 traversed rejections of Claims 1 - 3, 5, 7 – 9, 11 – 14 and 16 - 18.

Currently, claims 1 - 3, 5, 7 – 9, 11 – 14 and 16 - 18 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 - 3, 5, 7 – 9, 11 – 14 and 16 - 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Robots Go Where No Man Has Gone Before", Nobbe, Thomas A., Machine Design, Jan 25, 1990 and hereafter referred to as "Robots" in view of Zweig (US 6,658,325 B2).

Regarding claim 1 and related claims 7 and 12, Robots teaches a method and system of selling a commodity via a network, said method comprising: if instruction information regarding moving of an article, which was selected from a plurality of articles of one commodity, in at least one of a variety of positions for displaying and operating a camera included in the robot is received from a user' terminal, outputting to said robot a first request fro acquiring image information at this moment according to said moving of the selected article itself (see at least Page 1 and 4).
Please note that phrase "selling commodities" in the preamble is considered for examination purposes as intended use and thereby is accorded little patentable weight. For example, it is well known that Robots have been used and envisioned to be used from working in mines to space exploration such as the Mars Rover, which moved about the surface and turned over rocks on command from Earth.

While Robot does disclose outputting to a Robot as well as the Robot equipped with a video camera for moving/transporting a desired article and moving about a space, which would include an article of interest, the reference does not specifically disclose and teach a method and system for said robot provided for a real shop and moving around

within said real shop; and transmitting to said user terminal, said image information of the selected article Itself to enable a user of said user terminal to evaluate an actual state of the selected article itself, said image information taken by said camera Included in said robot.

On the other hand, Zweig teaches a method and system for said robot provided for a real shop and moving around within said real shop (see at least Abstract, Col 3, lines 19 – 22, Col 4, lines 30 – 31 and Col 7,lines 46 – 49); and
transmitting to said user terminal, said image information of the selected article Itself to enable a user of said user terminal to evaluate an actual state of the selected article itself, said image information taken by said camera Included in said robot (Col 9, lines 34 – 53 and Col 13, lines 33 - 35). Please note that Zweig discloses a robot acquiring images of selected articles in order to evaluate an article. While Zweig does not specifically disclose a real shop, the reference does disclose various different operating environments such as home, industry and buildings for security. Moreover, these are just examples and do not limit the applications of Zweig to just these examples since the applications for robots in space exploration are well known too. In this regard, it would have been obvious to one of ordinary skill in the art to have extended the method and system of Zweig with a real shop environment. Thereby extending the number of examples of applications in order to expand the examples of the use of this method and system to another environment. Therefore, the more applications that Zweig can be

used will expand the potential market for the disclosed method and system, which will increase potential sales of the robot.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method and system of Robot with the method and system of Zweig to have enabled a method and system as recited in claim 1 – in order to have the ability to shop online and view products at a shop via an in shop robot. Robot discloses a method and system of selling a commodity via a network, said method comprising: if instruction information regarding a designated display manner of an article, which was selected from a plurality of articles of one commodity is received from a user' terminal (see at least Page 1 and 2). Zweig discloses method and system for, said robot provided for a real shop and moving around within said real shop; and transmitting to said user terminal, said image information of the selected article Itself to enable a user of said user terminal to evaluate an actual state of the selected article itself, said image information taken by said camera Included in said robot (Abstract and Col 9, lines 34 – 53). Therefore, one of ordinary skill in the art would have been motivated to extend the method and system of Robot with a method and system for said robot provided for a real shop and moving around within said real shop; and transmitting to said user terminal, said image information of the selected article Itself to enable a user of said user terminal to evaluate an actual state of the selected article itself, said image information taken by said camera Included in said robot. Thereby, the user can shop remote and view and move the article via a robot, which will provide the capability to

shop and move items too. In this regard, the shopper will be able either purchase the items seen after inspecting, which will save them time or use this robotic capability to locate exactly in a real shop the article that shopper will want to touch/feel before purchasing and thereby save them time since they will know the exact location of the article.

Regarding claim 2 and related claims 8, 13 and 17, Zweig teaches a method, further comprising: if information regarding a selected purchase plan commodity is received from said user terminal, outputting to said robot, a second request for acquiring image information for said selected purchase plan commodity; according to said second request, controlling said robot to move while taking image Information until said robot reaches an exhibition position of said selected purchase plan commodity (Col 3, lines 19 – 22, Col 4, lines 4 – 7 and Col 9, lines 34 – 58); and
transmitting to said user terminal, image information for said selected purchase plan commodity, which is taken by said camera includes in said robot and image information until said robot reaches said exhibition position of said selected purchase plan commodity, to enable a user of said user terminal to see an actual state within said real shop in real time (Col 4, lines 27 –39 and Col 9, lines 36 – 49). Please note that Zweig does not specifically disclose a purchase plan commodity nor does Robot. However, both references do disclose articles/objects. In this regard and for examination purposes, objects such as disclosed by Robot were treated as equivalent to articles, which could include commodity products.

Regarding claim 3 and related claims 9 and 14, Zweig teaches a method, according to said first request, controlling said robot to change a photographing method for the selected article itself, and if a purchase instruction of the selected article is received from said user terminal, instructing said robot to convey said selected article within said real shop (Col 3, lines 18 – 22 and Col 7, lines 46 – 49 and Figures 2 - 3). Please note that Zweig does not specifically disclose a second controller, a third receiver. However, Zweig does disclose a controller, transmitter and receiver. In that regard, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method and system of Zweig with a second and third controller as well as additional receivers, which will allow multiple robots to respond and perform various commands. In this manner, additional customers can be supported.

Regarding claim 5 and related claim 11, Zweig teaches a method, further comprising: if a purchase instruction of the selected article is received from said user terminal, acquiring identification information of said selected article itself; and transmitting said identification of said selected article to said user terminal (Col 7, lines 46 – 49 and Col 9, lines 34 – 49).

Regarding claim 16, Zweig teaches a computer system further comprising a fourth receiver for receiving a purchase instruction of the selected article from said user terminal; an acquiring unit that acquires identification information of selected article itself

in response to said purchase instruction; and a third transmitter transmitting said identification information of said selected article itself to said user terminal ((Col 3, lines 18 – 22 and Col 7, lines 46 – 49 and Figures 2 - 3). Please note that Zweig does not specifically disclose a third receiver. However, Zweig does disclose a controller, transmitter and receiver. In that regard, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method and system of Zweig with a second and third controller as well as additional receivers, which will allow multiple robots to respond and perform various commands. In this manner, additional customers can be supported.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Robot and Zweig as applied to claim 1 above, and further in view of Van Kommer (6,584,376).

The combination of Robot and Zweig substantially discloses and teaches the applicant's invention.

While the combination does disclose interacting with a robot with a camera via a web interface, the references do not specifically discloses a method, further comprising: if a voice request is received, outputting to said robot including a microphone, an instruction to obtain voice information within said real shop; and transmitting to said user terminal,

the obtained voice information to enable said user terminal to represent an actual state within said real shop In real time.

On the other hand and regarding claim 18, Van Kommer teaches a method, further comprising: if a voice request is received, outputting to said robot including a microphone, an instruction to obtain voice information within said real shop; and transmitting to said user terminal, the obtained voice information to enable said user terminal to represent an actual state within said real shop In real time (see at least Abstract and claim 7).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of Robot and Zweig with the method of Van Kommer to have enabled a method, further comprising: if a voice request is received, outputting to said robot including a microphone, an instruction to obtain voice information within said real shop; and transmitting to said user terminal, the obtained voice information to enable said user terminal to represent an actual state within said real shop In real time – in order to provide voice interface too. The combination of Robot and Zweig disclose a method of selling a commodity via a network, said method comprising: if instruction information regarding a designated display manner of an article, which was selected from a plurality of articles of one commodity is received from a user' terminal, outputting to a robot including a camera, a first request for acquiring image information at this moment according to said designated display manner of the selected article itself, said

robot provided for a real shop and moving around within said real shop; and transmitting to said user terminal, said image information of the selected article Itself to enable a user of said user terminal to evaluate an actual state of the selected article itself, said image information taken by said camera Included in said robot. Van Kommer teaches a method further comprising: if a voice request is received, outputting to said robot including a microphone, an instruction to obtain voice information within said real shop; and transmitting to said user terminal, the obtained voice information to enable said user terminal to represent an actual state within said real shop In real time.

Response to Arguments

Applicant's arguments filed 2-16-06 have been fully considered but they are not persuasive.

Applicant argues that the references do not teach "a first request for acquiring image information *according to moving of the selected article.*

First, Robot as well as Zweig would fairly suggest and teach one of ordinary skill in the art of receiving a first request for acquiring image information *according to moving of the selected article.* For example, Robot would suggest and teach of receiving information such as a request for acquiring image information for moving of a selected article (Page 1, 3 and 4). In this case, the example provided for Jason would suggest and teach a teleoperated robot with specially designed manipulators to lift articles from the sea

bottom (Page 3). Second, Zweig would also suggest and teach of receiving a first request for acquiring image information *according to moving of the selected article.* For example, Zweig would fairly suggest and teach of receiving instruction to transport objects obtained by the Robots arms. Incorporating (see at least Col 9, lines 33 – 53)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rob Rhode** whose telephone number is **571.272.6761**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Yogish Garg** can be reached on **571.272.6756**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

571.273.8300 [Official communications; including After Final communications labeled "Box AF"]

571.273.6761 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

RER